The Bay Institute
Environmental Defense
Save San Francisco Bay Association
Natural Resources Defense Council

November 20, 2000

Mr. Michael Spear
U. S. Fish and Wildlife Service
2800 Cottage Way
Sacramento, CA 95825

Mr. James Lecky
National Marine Fisheries Service
501 West Ocean Blvd. Suite 4200
Long Beach, CA 90802-4213

Mr. Robert Hight
California Department of Fish and Game
1416 Ninth Street
Sacramento, CA 95814

Re: Decision procedure for implementation of Environmental Water Account actions

Dear Messrs. Lecky, Spear and Hight:

On October 27, the first operational action designed to acquire water for the Environmental Water Account (EWA) was authorized using the Export/Inflow Ratio Flexibility mechanism.[1] The decision to recommend this action, made during a joint Operations and Fisheries Forum/Data Assessment Team conference call, followed discussion of current and projected hydrological and fisheries conditions, including what changes in these conditions could trigger cessation of the EWA action and a return to baseline regulatory conditions. While the decision to authorize an EWA action was appropriate in this case, we recommend that the process for authorizing and implementing future EWA actions be prescribed in simple but clear terms.

Successful implementation of the EWA requires that decisions are made by the three fisheries agencies responsible for the EWA. As defined by the CALFED Record of Decision, your agencies, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the California Department of Fish and Game are the "EWA Management Agencies". However, only one representative of your agencies participated in the conference calls that formulated the recommendation to proceed with this first EWA action and the discussion of how the action might be modified or curtailed in response to real-time biological and hydrological conditions. While all three agencies were informed of the group's recommendation and quickly approved the

[1] Flexibility in the Export/Inflow ratio to protect fisheries is not wholly new to the Environmental Water Account, but was originally authorized by the SWRCB's 1995 Water Quality Control Plan.

action, more comprehensive EWA Management Agency representation would improve and, importantly, validate the evaluation and decision process.

We respectfully request that your agencies formally commit to a clear process for authorizing EWA actions and that all future EWA actions be endorsed, in writing, by representatives of all three EWA Management Agencies. Brief documentation for all EWA actions should include:

- An explanation of the biologic or hydrologic goal of the action being taken and the assumptions under which the operational tools are being used.
- Identification of what changes in hydrological or biological conditions would trigger responsive operational changes such as a return to operations dictated by baseline regulatory conditions.
- Identification of which EWA assets are to be credited or debited as a result of the action.

We are committed to effective implementation of the EWA to benefit fisheries and to contribute to ecosystem restoration. If you have any questions regarding our recommendations please contact Tina Swanson at (530) 756-9021 or Spreck Rosekrans at (510) 658-8901 ext. 246 for more information. Thank you for considering our views. We look forward to hearing from you at your earliest possible convenience.

On behalf of the organizations listed above,

Christina Swanson, Ph.D.
The Bay Institute

Spreck Rosekrans
Environmental Defense

Cc: Lester Snow, USBR
Tom Hannigan, DWR
Wayne White, USFWS
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